

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	LUDMERER, Steven W. et al.	Confirmation No.:	9691
Serial No.:	10/577,893	Case No.:	21564YP
Art Unit:			TBA
Filed:	01 May 2006	Examiner:	TBA
For:	HCV REPLICONS CONTAINING NS5B FROM GENOTYPE 2B		

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Withdraw the Holding of Abandonment**

Sir:

This communication is in response to the Notice of Abandonment Under 37 CFR §1.53(f) or (g) (hereafter “Notice”) mailed March 30, 2011 in connection with the above-identified application. The Notice contends that the application was abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed January 5, 2007. However, a response was timely filed on January 24, 2007. The response was filed via Express Mail and is shown on the Patent Application Information Retrieval system (hereafter “PAIR”) as having arrived and been scanned into the system on January 26, 2007.

This Notice is the second time this application was erroneously abandoned. A first Notice of Abandonment was mailed on August 18, 2010 alleging lack

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of response for the same Notice to File Missing Parts mailed January 5, 2007. Applicants responded by filing a Petition to Withdraw the Holding of Abandonment on September 21, 2010. The Petition was granted by Nancy Johnson in the Office of Petitions on January 3, 2011.

Additionally, a Notification of Defective Response was mailed March 29, 2011 in connection with this application (one day before the outstanding Notice of Abandonment was mailed) relating to the Sequence listing. Applicants submitted a response to the Notification of Defective Response on April 27, 2011.

A copy of each of the following documents is included with this submission:

- (1) the documents originally filed on January 24, 2007 in response to the Notice to File Missing Parts;
- (2) the Image File Wrapper entry in the PAIR system (printed on August 20, 2010) showing the January 26, 2007 entry of the filed Amendment;
- (3) the Petition Decision granting the Petition to Withdraw the Holding of Abandonment filed on September 21, 2010; and
- (4) a return copy of the Notice of Abandonment mailed March 30, 2011.

### **Conclusion**

It is believed that the Notice of Abandonment was sent in error. Applicants request a withdrawal of the holding if abandonment.

**Authorization**

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees which may be required for consideration of this Petition to deposit account 13-2755.

Respectfully submitted,

Dated: May 20, 2011 By: /Melissa B. Wenk Reg. No. 53,759 /  
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